

REMARKS

Claim 41 is amended and new Claims 57 and 58 are added. Claims 37-58, as amended, remain in the application. No new matter is added by these amendments.

Claim 41 is amended to correct a typographical error.

It is Applicants' intent to file a continuation application to pursue the subject matter of cancelled Claims 1-36 not defined by the new claims.

The Examiner's Rejections:

In the Office Action dated July 15, 2005, the Examiner rejected Claims 37-56 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,236,975 issued to Boe et al.

As per independent Claim 37, the Examiner stated that Boe discloses a method for determining personality type to facilitate the delivery of personality products, advice, or services (abstract, target marketing) comprising the steps of:

- a. providing a computer system including a database of a plurality of personality related tests and questions (Figs. 1-2, C9 L49-67, survey options and goals);
- b. providing remote access (network) to the system (survey system) to a third party administrator (business system) utilizing an administrator computer;
- d. the administrator, via the remote access, selecting ones of the tests and questions in the database to be presented to the individual user (C3 L15-22, C4 L30-38);
- e. providing remote access to the system to a user computer identified as being operated by the individual user based upon receipt from the user computer information corresponding to the identifying information (business ID) provided by the administrator computer (C8 L32-67, customer ID and business ID);
- f. providing to the user computer via the remote access the tests and questions selected by the administrator and collecting data from the individual user via the remote access including results of the tests and responses to the questions and storing the data in the database (C3 L22-35, C9 L49-67);
- g. comparing the test results and the question responses of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user with a predetermined set of references to develop a set of characteristic data of the individual user and

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determining a personality type of the individual user from the characteristic data (C4 L48-53, Matching Server/Matching Database);

h. the administrator viewing the test results and question responses of the individual user (C3 L35-43, C4 L48-53, Business Report from Survey System); and

i. The administrator matching the personality type of the individual user with a corresponding product, advice, or service, on the basis of the test results and questions responses (C3 L35-43, Target Marketing; Fig.6B, C7 L40-47, Action on the Business Report Generator).

The Examiner admitted that Boe fails to expressly disclose collecting from the administrator computer, via remote access, identifying information related to an individual user.

The Examiner stated that, however, Boe discloses wherein the business system and survey system are in direct communication with each other regarding business specific details (C4 L30-38). Furthermore, according to the Examiner, Boe also discloses collecting identifying information from the user, verifying the information, creating a customer identification number and sending it to the customer/user; whereby, the customer uses the customer ID number and business ID number' to access the survey system; all for the purpose of ensuring user anonymity (Fig.3, C8 L32-67). The Examiner concluded, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the business system to transmit customer identity information directly to the survey system once collected from the customer, for the purpose of increasing efficiency of the system by saving process steps and saving resources by eliminating the user anonymity protection feature.

As per Claim 38, the Examiner stated that Boe discloses wherein said step f includes administering at least one of a personality test (survey for financial personality), a scenario-based test (what-IF) and a roll play-based test to the individual user to obtain the test results (C1 8 L21-27).

As per Claim 39, the Examiner stated that Boe discloses wherein said step f. includes collecting at least one of demographic data, psychographic data, quality of life data, life style data, behavior data, and declared preferences data from the individual user to obtain the question responses (C18 L21-27).

As per Claim 40, the Examiner stated that Boe discloses wherein said behavior data includes at least one of provided behavior data (survey questions) and observed behavior data (C18 L21-27).

As per Claim 41, the Examiner stated that Boe discloses selecting from a plurality of questions and tests specific ones of the questions and tests to be presented to the identified user during said step c. based upon data previously collected from the identified user (C6 L9-29).

As per Claim 42, the Examiner stated that Boe discloses selecting a presentation medium for each of the questions and test to be presented to the individual user (C4 L30-38, business customized surveys; Choice of communication connection, C3 L44-67).

As per Claim 43, the Examiner stated that Boe discloses performing said step g. by selecting one of a plurality of classification systems based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C18 L12-39, all data and demographic only; C4 L64-67, characterizes customer).

As per Claim 44, the Examiner stated that Boe discloses performing step g. by selecting one of a plurality of scoring methods for scoring the results of the tests (C18 L12-39, analysis report type - all data and/or demographic only).

As per Claim 45, the Examiner stated that Boe discloses performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar personality type (C6 L58-67, demographic profile).

As per Claim 46, the Examiner stated that Boe discloses performing said step e. by obtaining context data from the individual user and matching the individual user with the product, advice or service associated with the individual user personality type and context data (C6 L47-67).

As per Claim 47, the Examiner stated that Boe discloses after performing said step g. advising the individual user of the determined personality type (C11 L53-67), obtaining feedback data from the individual user (C13 L8-19, customer adjusts graphic parameters in "what if" stage) and performing again said step d. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display).

As per Claim 48, the Examiner stated that Boe discloses after performing said step g. advising the individual user of a characteristic represented by the characteristic data, obtaining

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feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses (C13 L8-58, what if analysis and graphic display).

As per Claim 49, the Examiner stated that Boe discloses performing said step e. by assigning to the individual user a password selected by the administrator (C8 L60-67, Encrypted User ID).

As per Claim 50, the Examiner stated that Boe discloses performing said step f by presenting a series of questions to the individual user, at least one of the questions being selected based upon a response of the individual user to a previous question in the series of questions (C15 L41-46).

As per Claim 51, the Examiner stated that Boe discloses performing said step g. advising the individual user' of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the question responses, said step g. being performed by selecting one of a plurality of classification systems (survey type) based upon a type of matching to be performed in said step i., each said classification system having an associated predetermined set of references (C13 L8-58, what if analysis and graphic display).

As per Claim 52, the Examiner stated that Boe discloses advising the individual user of the determined personality type, obtaining feedback data from the individual user, utilizing the feedback data to change at least one of a scoring method for scoring the results of the tests and the personality type, and performing again step g (C13 L8-58, what if analysis and graphic display).

As per Claim 53, the Examiner stated that Boe discloses advising the individual user' of the determined personality type, obtaining feedback data from the individual user and performing again said step g. including the feedback data in the comparison with the test results and the questions responses, and performing said step i. by matching the individual user with the product, advice or service preferred by other users having a similar' personality type (C13 L8-58, what if analysis and graphic display).

As per Claim 54, the Examiner stated that Boe discloses performing said step f. by selecting an order of presentation of questions to the individual user' (C4 L30-48, business survey customization — series of survey questions previously chosen by the business).

As per Claim 55, the Examiner stated that Boe discloses performing steps c. through i. for a plurality of the individual users associates as a group (C4 L48-53, numerous customers).

As per Claim 56, the Examiner stated that Boe discloses wherein said step g. includes scoring the results of the tests (C18 L12-67, analysis of survey results to statistically predict the possibility of purchase).

The Boe et al. Patent:

The Boe patent shows a targeted marketing that allows a business to survey specific customers and to identify such customers that might want to purchase particular products or services. The system provides a customer with customer questions, receives responses to the customer questions from the customer, and stores data associated with the responses. The customer is provided with a feedback page that graphically illustrates data associated with the customer's standing in a selected peer group. The customer also is provided with options operable to adjust the customer's actual demographic to a hypothetical demographic, and data associated with hypothetical demographic changes from the customer is received and processed. Hypothetical feedback information is then displayed that graphically illustrates the hypothetical standing of the customer within the selected peer group such that the customer can see the effect of the hypothetical demographic changes.

The system 10 includes a survey system 12, a business system 14 and a customer system 16 coupled for communication through a network 18. The business system 14 can be used to communicate to the survey system 12 preferences in survey questions and answers, color schemes, logos, advertisements, banners, services and products, product information, application information, or the like. As shown in Fig. 3, a user of the customer system 16 must first access the business system 14 before being granted access to the survey system 12.

Boe Patent has a basic premise of providing financial advice for users with the ultimate objective of helping them achieve their financial goals. This invention allows the user to enter their financial information and then to perform "what if" scenarios to see if they are on track to

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achieving their financial goals. The invention acts as a collector of information and then uses this information to directly market financial products and services via the web pages or the system can generate reports for the use of third party businesses so that they can better target market products and services.

The premise of the Boe patent is to improve target marketing of products and services to consumers by correlating purchase information with all data points collected by the system. Boe shows what is commonly known in the industry as a "collaborative filtering engine." This simply automates the statistical correlation analysis between data sets. In this case, the system uses data gathered from a user, who is trying to meet financial goals, to correlate with the data sets of others to determine the likelihood that the use would purchase a particular product or service.

Boe's system can correlate any data set with another data set and present to the third party user with the highest correlations. In other words, the system can provide the likelihood of someone buying life insurance with a single data point such as age or with income or with hair color. The system also can combine all three single data points (almost like a multiple regression) with the purchase of insurance. In other words, if you have blond hair, they look at all the blond haired people in their database and see if those people purchased life insurance. That number becomes the likelihood that the next person with blond hair will also purchase life insurance.

Boe does not limit the collaborative filtering to demographic data and it appears that the response to any question can be added to the filtering. The business report generator 51 can generate reports based on demographic data, *psychographic* data, and all other data. *Psychographic* data includes behavioral characteristics of each customer. This data is obtained from the customers' responses to the survey questions relating to behavior or lifestyle. For example, reports generated from demographic data only could be based on each customer's income level. However, reports generated from all data could also be based on each customer's response to a question about how much money he or she would give away after unexpectedly receiving a large amount of money. Thus, these reports would be based not only on the factual demographic information provided by the customer, but also on less tangible behavioral factors that can be measured through his or her survey responses.

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Applicants' Responses to the Rejections:

There are two major themes that emphasize the differences between the Boe patent and the claimed invention. The first is the data types used throughout the system. The second is the functionality and the role of the third party administrator.

In the Boe patent, all data used is provided by the customer or the business and, therefore, is "direct data". While Boe uses the words "psychographic data and traits", it is clear that such data is provided by the customer in response to survey questions relating to behavior or lifestyle. As mentioned above, the Boe system can generate a report based on each customer's response to a question about how much money he or she would give away after unexpectedly receiving a large amount of money. What Boe is describing is a collaborative filtering engine that could be based on the answer to any single survey question regardless of the content of the question. There is no explanation as to how the above example represents a "psychographic trait" since the system is not trying to measure or detect a psychographic trait. The Boe system does not perform any interpretation of the questions except for the purpose of creating correlations. There is no discussion of categorizing occurring based on psychographic traits. There is no discussion of determining personality types by interpreting a pattern of traits. The sole use of the "psychographic data" appears to be for the benefit of the business to see the probability of purchasing based on the result of a question and is used only in the report generation step. The system does not view any questions differently and therefore there is no functional distinction between demographic and psychographic questions. The Boe system can only provide the probability of a customer to take the action associated with a specific question such as giving away money in response to unexpectedly receiving a large amount of money.

Claim 37:

In contrast, Applicants' Claim 37 includes steps specifically intended to gather direct data in order to create or generate "derivative data." This "derivative data" is data that is not directly provided by a user or by the third party administrator, but is created by the system in a series of scoring algorithms and decision programs. It is data that is derived by processing direct data. The creation of "derivative data" is a main objective of the present invention. Then the "derivative data" can be used with direct data to match products and services. The use of "derivative data" is not shown in or suggested by the Boe patent since specific functional steps

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are required in order to obtain the "derivative data". The "Derivative data" is distinct from automating the statistical analysis of direct data which is what the Boe system does. Boe provides no description regarding scoring responses nor of the categorization of results that is required for "derivative data".

The creation of the "derivative data" is defined in step "g" of Claim 37 wherein the test results and question responses (direct data) are compared with a predetermined set of references to develop a set of characteristic data (derivative data) of the user. The "derivative data" is used to determine a personality type of the user.

The Examiner cited lines 48-53, column 4, in Boe as disclosing step "g". However, Boe simply states that the "Survey system 12 may then process the data associated with numerous customers' demographics and survey responses in order to present product and service information to the customer while he or she is on-line and to prepare customized reports for the business." There is no mention in Boe of developing a set of characteristic data ("derivative data") and using that data to determine a personality type. "Derived data" requires detailed functional steps regard to scoring, analyzing and categorization which is not disclosed by Boe. The only processing of data by the Boe system is the collaborative filtering step which identifies correlations between two data sets.

The Examiner admitted that Boe does not disclose step "c". However, the Examiner believes that it would be obvious for the business to transmit customer identity information to the survey system.

Boe does not want the identity of the customer disclosed to the survey system in order to protect confidential business information as stated in column 7, lines 48-50. Furthermore, the survey system does not require the customer identity information to perform the described customer feedback and business reporting operations.

Boe does not discuss personality types. The Boe provides survey questions with the ultimate goal of helping customers achieve financial goals. The system asks financial related survey questions and for financial related demographic questions to allow customers to use the online goal achievement tools. There is never any mention of nor would the person of ordinary skill in the art assume that the Boe system would ever be used to determine personality types.

The Boe system collaborative filtering engine takes the results of the demographic questions and the survey questions and compares those results to the purchase behavior of others. The feedback that is presented back to the user is the result of the multiple regression analysis. It provides the user with products and services that have the highest likelihood of also being purchased by that user from a purely statistical analysis. It can also provide this data to the business. The processing of data throughout the Boe system is limited to this same recurring theme of collaborative filtering. It is based upon the correlations of data items with past purchase behavior of others. This is a very different process from the method defined by Applicants' claims.

Applicants' method uses the collected data to measure/detect personality types, traits and other kinds of "derived data". It compares the data sets of the user with predefined answer patterns that constitute traits and personality types. These answer patterns are not just collections of questions but include scoring algorithms that are used to measure and detect the presence of these items. The nature of comparing the test results and the question responses of the individual user is limited to statistical regression between single items with the Boe patent. Applicants' claimed method uses scoring algorithms and predefined categories of behavioral patterns or traits to determine and to generate "derivative data" which is another way to say determine a personality type of the individual.

Dependent Claims:

As to Claim 38, Boe does not address personality types or personality tests.

As to Claim 42, Boe customizes the features of the computer screen display, but does not disclose selecting a presentation medium for each of the questions and tests to be presented.

As to Claim 43, Boe only discloses choosing different data sets (demographic, all data), but this is not a selection between classification schemes.

As to Claim 44, Boe discloses selecting which data to be reported, but does not discuss different scoring methods for scoring results of tests.

As to Claim 45, Boe discloses comparing a single user profile with all of the database profiles using demographic data only or all data, but there is no discussion of determining a personality type.

As to Claim 46, Boe does not discuss determining a personality type.

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As to Claim 47, Boe provides feedback to the user during the survey in the form of % completed or how responses compare to others. The Boe what-if tools allow the user to play with hypothetical inputs to a model that determines if a financial goal will be achieved, but these actions are not recorded by the system nor are they used in the collaborative filter. Most importantly, the inputs are not used as part of the survey engine. Applicants' method obtains feedback from the user as part of the process of determining the personality classification. Thus, the feedback defined by Claim 47 is not contemplated by nor suggested in Boe.

As to Claim 48, see Applicants' comments on Claim 47.

As to Claim 49, Boe discloses having the customer create an identification number, but does not discuss having the business select a password to be used by the customer.

As to Claim 51, the Boe "what-if" analysis is not connected to the survey system and does not affect a classification.

As to Claim 52, the Boe "what-if scenarios are hypothetical mathematical solutions to obtaining goals and are not used to determine a personality type.

As to Claim 53, the Boe "what-if" tools input is never recorded nor is it used in the collaborative filtering process. The only data used to match products and services with users is from the survey system.

As to Claim 56, Boe could not perform a scoring step since this is outside the scope of the system. Boe performs a statistical regression analysis with the input data from the user, but does not score test results.

In summary, at least steps "c" and "g" of Claim 37 are not described in or suggested by Boe.

Applicants added independent Claim 57 which is similar to Claim 37, but identifies the third party administrator as a career counselor and the individual user as a person seeking career counseling. Support for this claim is found on: page 15, lines 15-16; page 19, lines 17-25; page 27, lines 23-24; and page 31, line 32. Applicants' comments with respect to Claim 37 also apply to Claim 57.

Applicants added independent Claim 58 which is similar to Claim 37, but identifies the individual user as a person involved in a conflict. Support for this claim is found on: page 5,

lines 14-23; and page 32, line 28 through page 33, line 2. Applicants' comments with respect to Claim 37 also apply to Claim 58.

In view of the amendments to the claims and the above arguments, Applicants believe that the claims of record now define patentable subject matter over the art of record. Accordingly, an early Notice of Allowance is respectfully requested.

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